

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) Criminal Action No. 07-94-UNA  
 )  
FRANK FORCE KESTING, ) **FILED UNDER SEAL**  
 )  
Defendant. )

**MOTION FOR DETENTION HEARING**

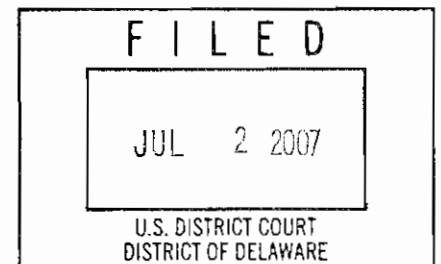
**NOW COMES** the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves (check all that apply):

- ☒ Crime of violence (18 U.S.C. § 3156)  
☐ Maximum sentence life imprisonment or death  
☐ 10+ year drug offense  
☐ Felony, with two prior convictions in above categories  
☒ Minor victim  
☐ Possession/ use of firearm, destructive device or other dangerous weapon  
☐ Failure to register under 18 U.S.C. § 2250  
☒ Serious risk defendant will flee  
☐ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- ☒ Defendant's appearance as required  
☒ Safety of any other person and the community



3. **Rebuttable Presumption.** The United States WILL invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (check one or both):

  X   Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c), or a federal crime of terrorism, or a specified offense (violations of 18 U.S.C. §§ 2252A(a)(1) & (a)(2)) with minor victim

       Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

       At first appearance

  X   After continuance of   3   days (not more than 3).

5. **Temporary Detention.** The United States requests the temporary detention of the defendant for a period of \_\_\_\_\_ days (not more than 10) so that the appropriate officials can be notified since (check 1 or 2, and 3):

1. At the time the offense was committed the defendant was:

       (a) on release pending trial for a felony;

       (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

       (c) on probation or parole for an offense.

       2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

       3. The defendant may flee or pose a danger to any other person or the community.

6. **Other Matters.**

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DATED this 2nd day of July 2007.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY: Christopher J. Burke  
Christopher J. Burke  
Assistant United States Attorney